



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 04 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5966 3615

Ms. Gwen Stage
Roadway of Oneonta
139 Timer Road
Oneonta, NY 13820

**RE: Request for Information (RFI) Pursuant to Section 308 of the Clean Water Act
Roadway of Oneonta (NYR00C392)
Docket No. CWA-IR-15-016**

Dear Ms. Stage:

On July 15, 2014, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection (CEI) at the Roadway of Oneonta auto salvage facility located at or near 139 Timer Road in Oneonta, New York (the "Facility"). The purpose of the CEI was to evaluate the Facility's compliance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP or "Permit").

The EPA is charged with the protection of human health and the environment under the Clean Water Act (CWA or Act), 33 U.S.C. §§ 1251 *et seq.* Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

You are hereby required, pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to submit to EPA the following information regarding the subject Facility no later than **forty-five (45) calendar days** of receipt of this RFI:

1. A formal, written response to the enclosed CEI Report (including photo documentation, where applicable) that describes how the Potential Noncompliance Items and Areas of Concern have been or will be addressed;
2. A copy of an updated Stormwater Pollution Prevention Plan (SWPPP) that includes revisions made in response to the CEI Report; and

3. Documentation of corrective actions, SWPPP revisions and additional sampling performed in response to any exceedance(s) of benchmark cut-off concentration(s), in accordance with Part IV.B.1.c.(6) of the Permit, from January 2010 to present.

All information required to be submitted by this RFI shall be sent by certified mail or its equivalent to the following address:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
United States Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

Any documents to be submitted by you must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the Facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the CEI Report detailing EPA's findings from the July 15, 2014 CEI.

If you have any questions regarding this Request for Information or the enclosed CEI Report, please feel free to contact Katherine Mann of my staff via phone at (212) 637-4226 or via email at mann.katherine@epa.gov.

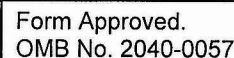
Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC
w/enclosure





Transaction Code		NPDES								yr/mo/day						Inspection Type		Inspector		Fac Type									
1	N	2	5	3	N	Y	R	0	0	C	3	9	2	11	12	1	4	0	7	1	5	17	18	C	19	R	20	2	
Remarks																													
21																												66	
Inspection Work Days				Facility Self-Monitoring Evaluation Rating								B1			QA	-----Reserved-----													
67	1		69							70					71					72			73		74		75		80

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)										Entry Time/Date		Permit Effective Date									
Roadway of Oneonta 139 Timer Road Oneonta, NY 13820										11:30 AM / 7/15/14		12/15/2012									
										Exit Time/Date		Permit Expiration Date									
										2:15 PM / 7/15/14											
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)										Other Facility Data											
Gwen Stage, Owner 607-432-0014 (p), 607-432-0053 (f)										SIC Code: 5015 Lat, Long: 42.517383, -75.095136											
Name, Address of Responsible Official/Title/Phone and Fax Number(s)																					
Gwen Stage, Owner Roadway of Oneonta 139 Timer Road Oneonta, NY 13820																					
										Contacted											
										X		Yes						No			

	X	Permit	Flow Measurement		Operations & Maintenance	CSO/SSO (Sewer Overflow)
	X	Records/Reports	Self-Monitoring Program		Sludge Handling/Disposal	Pollution Prevention
	X	Facility Site Review	Compliance Schedules		Pretreatment	Multimedia
		Effluent/Receiving Water	Laboratory	X	Storm Water	Other:

See attached report.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
 Katherine Mann, Physical Scientist	EPA/DECA-WCB/ (212) 637-4226 Fax (212) 637-3953	1/28/15
Signature of Management Q/A Reviewer	Agency/Office/Phone and Fax Numbers	Date
 Justine Modigliani, Chief, Compliance Section	EPA/DECA-WCB/ (212) 637-4268 Fax (212) 637-3953	1/28/15

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB
20th Floor, 290 Broadway, NY, NY 10007

COMPLIANCE EVALUATION INSPECTION REPORT

Compliance Evaluation Inspection: Roadway of Oneonta (aka Roadway Auto)
Inspection Date: July 15, 2014 Inspection Time: 11:30 AM – 2:15 PM
EPA Inspector: Katherine Mann, Physical Scientist, USEPA Region 2, DECA, Water Compliance Branch, (212) 637-4226
NYSDEC Representative: Not present
Site Representative: Gwen Stage, Owner, 607-432-0014 (p), 607-432-0053 (f)
Site Information: 139 Timer Road, Oneonta, NY 13820 SPDES No. NYR00C392
Owner/Operator/Permittee: Gwen Stage, Owner Roadway of Oneonta
SIC Code: 5015 (Motor Vehicle Parts, Used) – MSGP Sector M (Automobile Salvage Yards)

A. INTRODUCTION:

On July 15, 2014, the United States Environmental Protection Agency (“EPA”) conducted a Compliance Evaluation Inspection (“CEI”) at the Roadway of Oneonta (aka Roadway Auto) facility located at or near 139 Timer Road in Oneonta, New York (the “Site” or “Facility”). The Facility conducts industrial activity under Standard Industrial Classification (“SIC”) code 5015 (Motor Vehicle Parts, Used). Upon entering the Facility on July 15th, the EPA inspector presented credentials to Ms. Gwen Stage, Owner, reviewed available records, and performed a walk-through of the Facility with Ms. Stage. Temperature and weather conditions at the time of the July 15, 2014 inspection were approximately 74°F with light rain.

The Facility is approximately 17 acres. Stormwater discharges from the Facility from at least two (2) outfalls, which convey stormwater to wetlands hydraulically connected to the Otego Creek. According to information included in the Stormwater Pollution Prevention Plan (“SWPPP”) available on-site at the time of the CEI, Outfall 001 receives stormwater runoff from approximately 10 acres at the Facility, and Outfall 002 receives runoff from approximately 7 acres. At the time of the CEI, a third location was identified between Outfalls 001 and 002 where stormwater may leave the Site.

Ms. Stage submitted a Notice of Intent ("NOI") to the New York State Department of Environmental Conservation ("NYSDEC") to continue coverage under the current Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001) ("MSGP" or "Permit") in November 2012. The NYSDEC received the NOI on November 15, 2012, and coverage for the Facility under GP-0-12-001 went into effect thirty (30) days later, on December 15, 2012. The current MSGP became effective on October 1, 2012 and expires on September 30, 2017. Prior to GP-0-12-001, the Facility had coverage under previous versions of the Permit, including GP-0-11-009 and GP-0-06-002 and GP-98-03. GP-0-11-009 expired on September 30, 2012. It was preceded by GP-0-06-002, which became effective on March 28, 2007 and expired on March 27, 2012. GP-0-06-002 was preceded by GP-98-03, which became effective on November 1, 1998, expired on November 1, 2003, and was administratively extended by NYSDEC until the issuance of GP-0-06-002. Facilities operating under SIC code 5015 are covered under Sector M of the MSGP.

B. FINDINGS & OBSERVATIONS:

During the CEI, EPA reviewed the 2013 SWPPP, incoming vehicle inspection forms, routine inspection records, visual quarterly monitoring records, benchmark monitoring records and training records that were available at the Facility. There are no numeric effluent limits specified for Sector M facilities. The Facility has a representative outfall monitoring waiver and conducts benchmark monitoring only at Outfall 001.

No floor drains were observed inside the garages and trailers at the time of the CEI.

As identified in photographs P7150004 and P7150005, core piles were stored in an area exposed to stormwater at the time of the CEI. It was noted by the EPA inspector during the CEI that the Facility's SWPPP recommends that cores be stored under cover, over concrete, and in secondary containment. Upon returning briefly to the Facility on the morning of July 17, 2015, the EPA inspector noted that the core piles had been covered with tarps (see photograph P7160253).

The following potential noncompliance items and areas of concern were identified at the time of the CEI:

Potential Noncompliance Items

1. In accordance with Part III.A of the Permit, a SWPPP shall be developed and implemented by the owner or operator for each facility covered by the Permit. At a minimum, the SWPPP is required to include the items identified in Part III.C and Part VIII (Sector-Specific Requirements, Sector M, pages 120 – 125) of the Permit. Based on review of the SWPPP available at the time of the CEI, as well as observations made during records review and the Facility walk-through, the Facility failed to develop and/or implement the following SWPPP elements, as required by Part III.A of the Permit:
 - a. Parts III.C.6.c and III.C.6.d of the Permit require that the Site Map identifies the location of each outfall labeled with the outfall identification, as well as the approximate outline of the drainage area to each outfall. As identified in photographs P7160254 – P7160257

and P7150022, an eroded flow path identified down the center of the Site that terminates at the edge of the wetland north of the Site suggested that there may be an additional, third outfall located between existing outfalls 001 and 002. If stormwater leaves the Site at this location, the outfall must be identified in a revised SWPPP, and a Notice of Modification ("NOM") including the additional outfall must be submitted to the NYSDEC, in accordance with Part I.F.3 of the Permit.

- b. Parts III.C.6.m and III.C.6.n of the Permit require that the Site Map identifies storage areas and potential pollutant sources. The vehicle storage area located northeast of outfall 001 and identified in photograph P7150011 was not identified on the Site Map maintained with the SWPPP at the time of the CEI.
 - c. The SWPPP states that fluids should be stored either inside or outside under cover. The SWPPP also states to ensure all fluid containers are clearly labeled and secondary containment is provided. As identified in photographs P7150020 and P7150021, approximately five (5) 55-gallon drums were not stored completely under cover on the southwest side of the Site. Secondary containment for fluid storage containers was not utilized at the Facility at the time of the CEI.
 - c. Parts III.C.7.b and VIII (page 123) of the Permit require the Facility to conduct routine inspections at least quarterly. While there were quarterly routine inspection forms included in the SWPPP, they had not been filled out consistently. Based on records available at the time of the CEI, the last documented routine quarterly inspection was conducted in February 2011.
 - d. Part VIII (page 123) of the Permit requires inspections of all incoming vehicles upon arrival at the site for leakage. While there were incoming vehicle inspection forms included in the SWPPP at the time of the CEI, they had not been filled out consistently. Only a select number of forms had been filled out in 2010 and 2013.
 - e. In accordance with Part III.C.10.e, the SWPPP must include copies of Discharge Monitoring Reports ("DMRs"). At the time of the CEI, DMRs for 2010 and 2012 were not available for review.
 - f. In accordance with Part III.C.11, the owner or operator must include a copy of the Permit with the SWPPP. The SWPPP available at the time of the CEI did not include a copy of the current MSGP, GP-0-12-001.
2. In accordance with Part IV.B.1.a of the Permit, quarterly visual monitoring must be performed and documented by the Facility. When necessary, corrective and follow-up actions (including performing an additional visual inspection during the first qualifying storm event following implementation of corrective action(s)) must be conducted in accordance with Part IV.B.1.a.(5). During the CEI, Ms. Stage stated that she conducts quarterly visual monitoring; however, monitoring results were not documented consistently. Quarterly visual monitoring records were only available for first, third and fourth quarter 2013 and second quarter 2014.

3. DMRs documenting benchmark monitoring results for 2011 and 2013 were reviewed onsite during the CEI, and results for 2010 and 2012 were reviewed online following the CEI. Exceedances of benchmark cut-off concentrations were recorded in 2010 and 2011 and include the following: total suspended solids, total recoverable iron, total recoverable aluminum and total recoverable lead in 2010; and total recoverable iron and total recoverable aluminum in 2011. In accordance with Part IV.B.1.c.(6) of the Permit, if a benchmark sample exceeds a cut-off concentration for one or more parameters, the owner/operator must evaluate the facility for potential sources of stormwater contamination; remedy the problems identified by implementation of non-structural and/or structural Best Management Practices ("BMPs") to prevent recurrence; revise the Facility's SWPPP; and, within the first six (6) months of the following calendar year, collect an additional sample at the outfall where the exceedance occurred to determine the effectiveness of corrective actions. Based on the information provided at the time of the CEI, it is unclear whether the Facility took the required follow-up actions in response to benchmark exceedances, including revising the SWPPP and collecting additional samples in accordance with the Permit.

Area of Concern

4. As identified in photographs P7150008, P7150009 and P7150012, at the time of the CEI, scrap tires were stored on the northeast side of the Site, upstream of outfall 001, in an area exposed to stormwater. While the SWPPP states that the tires are regularly sold to a scrap buyer to control the onsite inventory, the SWPPP does not identify any BMP(s) for minimizing exposure of scrap tires to stormwater.
5. As identified in photographs P7150013, erosion was identified upstream of outfall 001. Ms. Stage stated that sometimes she observes sediment in the visual quarterly monitoring sample. Erosion and sediment controls should be utilized at this location in order to prevent sediment from being discharged from the Site.

Findings identified at the time of the CEI were discussed with Ms. Stage at the close of the CEI.

Within forty-five (45) calendar days of receipt of this CEI report, please provide a written response (including photo documentation, where applicable) detailing how the Potential Noncompliance Items and Areas of Concern listed in paragraphs 1-5, above, have been addressed.

C. ATTACHMENTS:

1. Photograph Log
2. Photographs

Attachment 1: Photograph Log

Unedited photos taken by Katherine Mann, Physical Scientist, DECA-WCB, USEPA Region 2 on July 15, 2014 with Olympus TG-830 digital camera. Note: Date/time setting on camera was 12 hours behind.

P7150004	Uncovered tires, core piles
P7150005	Uncovered core piles
P7150008	Scrap tires stored on the east side of the Site
P7150009	Additional scrap tires piled on the east side of the Site
P7150011	Vehicle / scrap metal storage area located northeast of outfall 001 (not identified on Site Map)
P7150012	Tire piles on the east side of the Site, upstream of outfall 001; eroded flow path identified on photograph right terminates at outfall 001
P7150013	Eroded flow path on the east side of the Site near outfall 001
P7150014	Gravel / sediment directly up gradient of outfall 001
P7150019	Vegetated drainage ditch on the west side of the Site; ditch terminates at outfall 002
P7150020	55-gallon drums stored under cover on the west side of the Site; approximately 5 drums were stored on the ground, partially outside the covered area
P7150021	55-gallon drums stored under cover on the west side of the Site; approximately 5 drums were stored on the ground, partially outside the covered area
P7150022	Potential outfall located in the north center of the Site, between outfalls 001 and 002
P7160053	Core piles covered with tarps on July 17, 2014
P7160054	Center of the yard, down gradient of dismantling garage, old shop, core and scrap storage
P7160055	Dismantling garage, old shop, core and scrap storage up gradient of yard center
P7160056	Eroded flow path through vehicle storage area in the center of the Site. Dismantling garage can be identified in the background of the photo on the left.
P7160057	Potential outfall located in the north center of the Site, between outfalls 001 and 002

Attachment 2: Photographs



P7150004



P7150005



P7150008



P7150009

Roadway of Oneonta (NYR00C392) CEI - July 15, 2014



P7150011



P7150012



P7150013



P7150014

Roadway of Oneonta (NYR00C392) CEI - July 15, 2014



P7150019



P7150020



P7150021



P7150022

Roadway of Oneonta (NYR00C392) CEI - July 15, 2014



P7160253



P7160254



P7160255



P7160256

Roadway of Oneonta (NYR00C392) CEI - July 15, 2014



P7160257

Roadway of Oneonta (NYR00C392) CEI - July 15, 2014